



RESPONSE TO INTERROGATORY NO. 1(d): Tyson Poultry objects to Interrogatory No. 1 as it is overly broad in scope and time and, therefore, overly burdensome. Tyson Poultry specifically objects to the Plaintiffs' definition of "Defendant" as it is overly broad and includes within its scope "Contract Growers." Tyson Poultry submits this answer and response for itself and not for any other person or entity.

Tyson Poultry does not possess information sufficient to answer Interrogatory No. 1(d). Tyson Poultry has not historically identified contract poultry growing operations by watershed and does not in the regular course of business track or report bird production by watershed, nor does Tyson Poultry calculate or record bird production on an aggregated annual basis as part of its regular business practices. Accordingly, Tyson Poultry does not know the total number of birds raised on farms under contract with it in the IRW on an annual basis.

In order to comply with this Court's order dated December 7, 2007 (Dkt. No. 1409), Tyson Poultry has estimated the total number of birds raised each year from 2000 through 2007 on poultry growing operations under contract with it in the IRW. The following steps, assumptions, and calculations were required to arrive at this estimate. First, Tyson Poultry identified all poultry growing operations under contract with it between January 2000 and December 2007 believed to be or to have been located in the IRW. Second, Tyson Poultry retrieved from its Grower Information System the total reported number of birds placed and the total number of birds sold at each identified poultry growing operation during each year from 2000 through 2007. Third, to account for broiler mortality, the number of chicks placed and the number of birds sold were averaged with respect to each flock placed at a poultry growing operation under contract with Tyson Poultry located in the IRW. Those average numbers were then aggregated on an annual basis, resulting in the total number of birds per year located on

poultry growing operations under contract with Tyson Poultry in the IRW.

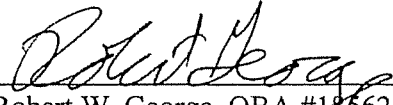
Subject to the foregoing qualifications and without waiving its objection, Tyson Poultry provides the following estimate of the aggregated total number of broilers located annually on poultry growing operations under contract with Tyson Poultry in the IRW.

<u>Year</u>	<u>Total Number of Birds</u>	<u>Year</u>	<u>Total Number of Birds</u>
2000	35,348,850	2004	45,049,499
2001	42,684,562	2005	38,653,599
2002	48,137,066	2006	38,940,106
2003	45,232,905	2007	36,222,851

The above figures are estimates only. The reliability and error rate in these estimates is unknown at this time. Tyson Poultry reserves the right to challenge these estimates as unreliable if presented in court and further reserves the right to revise or supplement these estimates if additional information is obtained or a more reliable estimation methodology is identified.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on the 7th day of January 2008, I electronically transmitted the foregoing documents to following:

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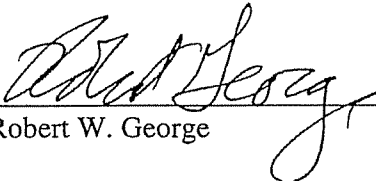
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I also hereby certify that I served the foregoing documents by United States Postal Service, proper postage paid, on the following:

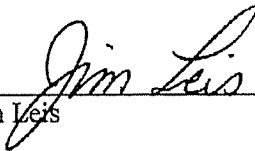
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Robert W. George

VERIFICATION

STATE OF ARKANSAS }
 }§§
COUNTY OF WASHINGTON }

I, Jim Leis, being duly sworn on oath, state that I have read Tyson Poultry, Inc.'s Second Amended Response to Plaintiffs' First Set of Interrogatories and that the facts and matters contained therein are true and correct to the best of my knowledge, information, and belief.



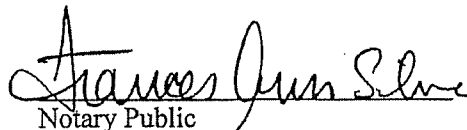
Jim Leis

ACKNOWLEDGEMENT

STATE OF ARKANSAS }
 }§§
COUNTY OF WASHINGTON }

On this date, Jim Leis did appear before me, the undersigned Notary Public and executed the foregoing document of his own free will and volition, and for the purposes stated therein.

Subscribed and sworn before me, the undersigned Notary Public, within and for the above County and State, this the 7th day of January, 2008.



Notary Public

My commission expires:

6/3/2013

